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ABSTRACT

This report by the Committee on Education and Labor of the House of Representatives endorses H.R. 3282, the Asbestos School Hazard Detection and Control Act of 1979, and also presents minority views of ten members of the committee. The purpose of this legislation is to authorize a systematic federal program for identifying and controlling hazardous asbestos conditions in elementary and secondary schools. This program will take the form of technical, scientific, and financial assistance to local educational agencies, including private schools. Provisions of the bill and its legislative consideration are presented. Testimony from hearings is summarized about asbestos health and safety hazards, asbestos exposure in schools, treatment of school asbestos hazards, and the need for a federal program. A section-by-section analysis of the bill and Congressional Budget Office cost estimates for implementation of this legislation conclude the report. (Author/MLF)

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96TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 96-197

ED177742

ASBESTOS SCHOOL HAZARD DETECTION AND CONTROL ACT OF 1979

MAY 15, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PERKINS, from the Committee on Education and Labor, submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany H.R. 3282]

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 3282) to establish a program for the inspection of schools to detect the presence of hazardous asbestos materials, to provide loans to local educational agencies to contain or remove hazardous asbestos materials from schools and to replace such materials with other suitable building materials, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendment strikes out all after the enacting clause of the bill and inserts a new text which appears in italic type in the reported bill.

SUMMARY OF LEGISLATION

H.R. 3282, the Asbestos School Hazard Detection and Control Act of 1979, makes Federal funds available to local educational agencies and private schools for the detection and abatement of hazardous asbestos materials in their school buildings. The purpose of this legislation is to establish a systematic program to help school districts and private schools identify and control the exposure of school children and school personnel to asbestos fibers, which can cause debilitating or fatal diseases.

Under the bill, the Federal Government would aid school districts and private schools in two ways: through grants for detecting hazards and through loans for work done to remedy the hazards. The Depart-

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ment of Health, Education, and Welfare would administer both components. The bill authorizes a total of $30 million for fiscal years 1980, 1981 and 1982 for grants to local educational agencies and private schools to visually inspect their school facilities, to sample building and insulation materials, and to carry out appropriate tests to determine the level of asbestos content in suspect materials and the likelihood of imminent danger. Applications for these grants must describe the methods to be used, estimate the costs of the project, designate the party to conduct the testing, and assure that the program will be carried out in accordance with standards and safety procedures established by the Secretary of HEW.

In addition, the legislation authorizes $100 million per year for fiscal years 1980 through 1982 for long term, interest-free loans to local educational agencies and private schools for containing or removing asbestos-containing materials in school buildings which pose an imminent health and safety hazard to children or employees. Funds under the program can also be used for replacing any materials removed with other appropriate materials and for making repairs necessary to restore buildings to their state before containment or removal activities were undertaken. Projects paid for by these loans must be also carried out in accordance with certain quality control and safety standards.

Both the Federal grants and the Federal loans can be used to pay for up to 50 percent of the costs of the particular project, except that the Secretary of HEW may increase this Federal share for districts and private schools with limited financial resources. Grants and loans can also be made to retroactively reimburse districts and private schools for activities conducted back to January 1, 1977, as long as these activities were conducted in a manner that substantially conforms to the standards developed by the Secretary.

The legislation calls for a limited role for State departments of education. Any State receiving administrative funds under an applicable Federal education program is required to develop a plan for distributing information to its local educational agencies and private schools describing the programs available under this bill, the health hazards associated with asbestos, and the standards and safety procedures developed by the Secretary of HEW. States are also required to maintain records on the presence of asbestos in its schools and activities undertaken to treat hazardous materials.

At the Federal level, the legislation establishes a task force to be composed of representatives of various Federal agencies involved in education, health and safety and of outside education and health organizations. This task force is charged with compiling and distributing information on the hazards of asbestos and means of identfying them, and with assisting the Secretary in reviewing applications and formulating standards.

The Secretary of HEW is given the responsibility of developing procedures for carrying out the detection and control programs and safety and quality control standards for the conduct of the containment and removal work.

LEGISLATIVE CONSIDERATION

H.R. 3282 is a clean bill reported by the Committee on Education and Labor. It is based on H.R. 1524, which was introduced on January

25, 1979, by Congressman George Miller with 40 cosponsors. It is also very similar to H.R. 1435, introduced on January 24 by Congressman Carl Perkins.

The Subcommittee on Elementary, Secondary, and Vocational Education conducted a hearing on H.R. 1524 on February 22d. Prior to the introduction of the legislation, the subcommittee had conducted two hearings on January 8th and January 16th on the general problem of asbestos health hazards to schoolchildren.

The subcommittee conducted a markup session on H.R. 1524 on March 7th at which time the bill was reported with an amendment in the nature of a substitute to the full Education and Labor Committee by unanimous voice vote.

The Committee on Education and Labor held markup sessions on H.R. 1524 on March 29th and May 1st. On May 1st, H.R. 3282, a similar bill, was ordered reported by a vote of 31–2. H.R. 3282 contains all of the committee's amendments to H.R. 1524, including two amendments which had to be introduced in order to comply with the Congressional Budget Act.

NEED FOR THE LEGISLATION

Medical evidence has existed for some time linking exposure to asbestos fibers with chronic or terminal diseases. Most of this evidence has come from scientific studies of asbestos workers. As a result, various steps have already been taken to control the exposure to this substance of persons in related occupational settings. However, only recently has concern begun to grow about the possible dangers to persons exposed to asbestos fibers in other settings, such as school buildings.

Asbestos is the generic term for a number of naturally-occurring, fibrous, mineral silicates. Asbestos fibers are incombustible, very flexible, and cannot be biologically destroyed or degraded easily. These characteristics have contributed to its popularity as a building material. Asbestos has been used in thousands of products, most often for fireproofing, insulation, acoustical and decorative purposes. While not all these products cause exposure problems, the important question is how easily the material will release asbestos fibers, which can be inhaled or ingested and in that way initiate disease.

In schools built between 1946 and 1972, the use of asbestos, especially in sprayed form, is common. In the past few years concern has begun to grow about the hazards of asbestos in schools, as loose, flaking asbestos material was discovered in some schools around the country and as medical evidence substantiating a tie between asbestos and cancer mounted. In some localities, this concern reached panic proportions, resulting in school closings and hastily or sloppily done removal jobs.

As a reaction to this concern, some States initiated surveys of their school buildings. In addition, Joseph Califano, Secretary of HEW, sent a letter to the Governors of all the States in August 1978, encouraging them to survey the schools in their States for asbestos exposure. Most recently, the Environmental Protection Agency has launched a national campaign to provide technical guidance packets to State and local educational agencies, including information on how

to determine whether schools contain asbestos and what corrective action can be taken.

The committee finds that while these State-Federal activities are properly directed and should be continued, there is a need for a more systematic Federal role, as well as for Federal funds, to help local educational agencies and private schools identify and control asbestos hazards before the health of millions of school children is affected in years to come.

The committee bases this finding on testimony from hearings before the Subcommittee on Elementary, Secondary, and Vocational Education, which demonstrated that asbestos clearly poses a health threat, that there are asbestos exposure problems in many schools around the country, that techniques already exist for correcting these problems, and that the costs of mitigating this problem and the lack of a coordinated approach warrant the attention and support of the Federal government.

Asbestos health and safety hazards

Scientific studies beginning in the 1930's have documented the link between exposure to asbestos and various types of cancer and other diseases. There is substantial scientific and medical agreement that asbestos exposure increases the risk of lung, esophagal, stomach and colon cancers, and of mesothelioma, a cancer of the chest cavity so rare that prior to its linkage with asbestos it was not even listed in the cancer registry. Asbestos has also been positively shown to be the primary factor in the contracting of asbestosis, an irreversible and progressively disabling lung disease.

Most of these studies have been conducted on asbestos workers. A landmark study by Dr. Irving Selikoff and associates at Mt. Sinai School of Medicine during the years 1967 to 1976 showed that 7 percent of the asbestos workers in the study died of asbestosis; 20 to 25 percent of lung cancer; 7 percent of mesothelioma; and 8 to 9 percent of gastro-intestinal cancer. According to Dr. David Rall, Director of the National Institute of Environmental Health Sciences, the average incidence of cancer in the general population is 16 percent, while over 40 percent of the workers in this study died of cancer.

In addition to increasing risks for cancer in itself, asbestos has also been shown to react with other cancer-causing agents to multiply the risks associated with either substance manyfold. For example, a study by Drs. Selikoff and Hammond revealed that smokers who are exposed to asbestos run up to 100 times the normal risk of lung cancer.

While one might assume that these and the many other studies of workers prove only that people with high levels of exposure to asbestos over long periods of time are subject to health problems, medical experts who testified at the Subcommittee hearing cautioned against this assumption. First, most of these studies have been "body counts", with postmortem examination showing common links, such as occupation. Therefore, the exact level or length of exposure for each worker could not be calculated in all cases. In addition, uncertainty of the magnitude of exposure is compounded by the long latency period of asbestos disease, generally 15 to 35 years. Dr. Rall testified that workers exposed for 1 month or less have developed lung cancer.

Second, asbestos-associated cancer has also been identified among persons whose exposure was presumably less than that of asbestos

workers. Although there have been no studies of populations intermittently exposed to asbestos of the kind and amount found in schools, relevant studies have been made of families of asbestos workers, people who lived near asbestos plants, and people who did not handle the substance but worked near its application or removal.

A recent study of the effects of household exposure conducted by Dr. Henry Anderson at Mt. Sinai revealed that out of 489 family contacts of asbestos workers, 36.2 percent showed abnormal chest X-rays characteristic of abestos exposure. In addition, four deaths of mesothelioma were identified in this group of family contacts.

By the same token, a 1972 study located 37 cases of mesothelioma in shipyard workers whose only exposure to asbestos was from their proximity to asbestos workers. In the State of Connecticut, the incidence of mesothelioma among persons with non-occupational exposure increased by a factor of 10 during the past 40 years, which parallels the increase in the use of asbestos. In fact, the National Cancer Institute estimates that 18 percent of future cancer cases will be due to asbestos.

While these studies provide evidence that exposure at lower levels than that of asbestos workers can be dangerous, they do not provide scientific evidence of safe limits of exposure. For want of definitive proof to the contrary, the overwhelming scientific and medical opinion is that there is no threshold level below which exposure to asbestos can be considered safe, and that any unnecessary exposure to asbestos above that normally found in the background air should be avoided. As Dr. William Nicholson, of Mt. Sinai School of Medicine, stated:

> In the same vein, inadequate control of exposures now may lead to disease 20, 30, or 40 years hence. Unhappily, if it does occur, it generally is fatal since current therapies for these illnesses are ineffective. Thus, prudence would suggest that human health risks in the future be minimized through the elimination of any avoidable asbestos exposure at the present time.

Another major problem with establishing a threshold level of asbestos exposure is the lack of a readily available standard measuring technique. Asbestos fibers are very small (a medium-sized fiber may be 5 microns in length; a red blood cell is 7 microns). Many fibers cannot be measured by light photomicroscopy, which loses accuracy at 1 micron. Electron microscopy is costly, time-consuming and limited in availability according to the Environmental Protection Agency. Thus, it is almost impossible to obtain accurate information on the asbestos content of air samples in most cases.

With regard to the exposure of school children, two additional points should be kept in mind. First, children have been shown to be more susceptible to certain other environmental cancers because of their rapid rate of growth and development. Although this has not been proven with regard to asbestos, some medical experts, such as Dr. Rall, have expressed concern about this possibility. Second, with the long latency period of asbestos-related diseases, children exposed to asbestos at an early age could show symptoms of illness much earlier in their lifetime than those exposed in adulthood.

Because of the hazards manifested in the above research findings, the Federal Government has sought to control or mitigate asbestos

exposure in several ways. In the 1960's, the Federal Government began restricting the level of asbestos allowed in the workplace. Regulations issued by the Occupational Safety and Health Administration on the number of asbestos fibers per cubic centimeter permissible in the ambient air over specific time periods have become more stringent over the years. Most recently, the National Institute for Occupational Safety and Health has recommended a limit of .5 fibers/cc of ambient air over an eight-hour period, with a maximum level of 2 fibers/cc over any 15 minute period, a level which is just above the lowest measurable concentration.

In 1973, the Environmental Protection Agency, under the authority of the Clean Air Act, prohibited the spraying of materials containing more than 1 percent asbestos for use in insulating or fireproofing. In June, 1978, this ban was expanded to cover all spray-on applications. At the present time, EPA is preparing to distribute guidance packets to State and local educational agencies to help them assess whether they have a problem and to determine a solution.

Despite these activities to control the problem, there are currently no Federal laws or regulations that protect children in school buildings where asbestos-containing materials are already present. The OSHA standards do not apply to non-occupational settings.

In summary, exposure to asbestos fibers can pose a serious health threat. No one has conducted adequate research on the effects of asbestos on school children, primarily because of the long latency period and problems in sampling and monitoring. However, evidence from scientific studies indicating that groups that may have had low level exposure have developed disease would seem to warrant action, especially with the safety of our nation's school children at stake.

Asbestos exposure in schools

The use of asbestos building materials in the United States expanded rapidly after World War II and continued until the EPA ban in 1973. Since this was a peak period in school construction due to increasing enrollments, many of these materials found their way into the walls, halls, ceilings, and structural components of school facilities. No one knows how many schools contain asbestos material, a problem discussed at length below.

Among the sources of asbestos in schools are sprayed-on insulation, decorative or acoustical products, reinforced cement and plaster products, pipe insulation, floor tiles and fireproof textiles. In schools with shops for automotive training, asbestos used in automotive brake linings could also act as a contaminant.

Only certain kinds of asbestos-containing materials in certain situations in school buildings cause exposure problems. The important criterion is how easily the material releases asbestos fibers, which then enter the air and contaminate the building environment. When fibers are present in the air, individuals in the building can inhale the fibers. Although most fibers will not remain in the lungs, those that are retained will stay indefinitely.

Whether a material is hazardous depends on the condition of the asbestos-containing material and the probability that the material will be damaged. Expert witnesses involved in inspecting school facilities agreed that sprayed materals have the greatest potential for

contamination. This is because the sprayed substance may not bond securely to the subsurface and may deteriorate rather quickly. Additionally these materials are generally the most friable, meaning that they can be crumbled in the hand. Friable materials, whether sprayed or applied in another way, can release fibers following only minor disturbance.

However, other types of asbestos which are subject to pressure, vibration, or water or other damage, can also release fibers. In extreme situations, even firmly bonded materials could release fibers if they were cut, ground, or sanded.

Inspections of school buildings in several States have confirmed that loose, flaking asbestos material exists in some schools and can indeed contaminate the air with dangerous concentrations of fibers. An investigation of schools in New Jersey supported by the National Institute of Environmental Health Sciences uncovered 33 schools with damaged or deteriorating asbestos surfaces, which in some cases had suffered severe abuse or had even fallen to the floor. According to Dr. William Nicholson, director of this project, in instances where the material was damaged, air concentrations of fibers 10 to 100 times normal background concentrations may be expected. In some of these schools, air concentrations exceeded the current OSHA workplace standard of 2 fibers/cc over an eight hour period.

Thus, it has been established that potentially dangerous levels of contamination exist in some schools. However, it is impossible to assess the extent of the problem at this time, since no nationwide survey has been conducted.

In October of 1978, EPA conducted a telephone survey of the States to learn about State and local efforts to identify and correct asbestos hazards. This survey indicated that only about 5 percent of the schools in the country had been inspected at that point. Of these schools, 1,000, or about 16 percent of the schools inspected contained asbestos material. However, if one only considers figures from those States which had inspected all or nearly all of their schools, asbestos-containing materials were present in 1 to 5 percent of their schools, according to EPA.

Mr. John DeKany, Deputy Assistant Administrator for Chemical Control, Office of Toxic Substances, EPA, cautioned in testimony against drawing conclusions about the national scope of the problem from this telephone survey. Not all States responded, and no quality control existed for determining whether States which did respond had only surveyed those schools suspected of containing asbestos or for determining how they defined "asbestos-containing material."

However, testimony from health and education officials in States which had surveyed a substantial number of schools suggested that the use of asbestos in schools is not limited to one particular geographic region. In addition, a sufficient number of potentially hazardous asbestos materials have been uncovered by these limited surveys to justify Federal attention to the problem and warrant further inspection of schools in other States.

Mr. Doug Husid, Executive Director, Massachusetts Special Legislative Commission on Asbestos, testified that 11.3 percent of the schools in that State were found to contain sprayed asbestos material. Out of these 138 schools which contained the material, 27 were potentially hazardous enough to require immediate action.

In the aforementioned New Jersey survey, 265 schools out of 2,400—about 11 percent—were found to contain 2.5 million square feet of asbestos-containing materials.

In a partial survey of Kentucky schools, 65 of the 124 school districts responding indicated the presence of asbestos in some of their schools. Out of 200 schools inspected in Michigan, 18 contained the substance.

In New York City, 554 schools were surveyed; in 370 asbestos-containing material was discovered, and in 53 schools it was in a very friable form.

The committee concludes that although the extent of the problem of asbestos school hazards cannot be assessed fully at this time, a sufficient number of instances where asbestos fibers are contaminating or can contaminate the school environment have been located to justify Federal concern. To wait until more schools have been inspected or more evidence of the hazards of low-level exposure is forthcoming would be to take an unnecessary risk with the health of our school children. In addition, there are several other factors associated with the presence of asbestos in schools which should be noted and which speak to the need for expedient Federal action.

First, the nature of school environment may make it more suspectible to the type of damage that can release asbestos fibers. The school population is very active. Many school activities, such as vandalism, vibration from bells and other types of movement, and multi-floor construction can exacerbate an already hazardous situation. School children are also less likely to recognize a danger and take protective measures than adults. The committee heard testimony of children playing in asbestos, knocking it off walls and ceilings, and throwing it at each other.

Second, in the school environment, a large number of students, teachers, and other employees can be exposed at one time to the fibers, on a daily basis, and for several consecutive years. Nationwide, the numbers of persons exposed could run into the millions.

Third, the exposure of children and adolescents to asbestos occurs early in their life span. A 12-year-old child is more likely to survive the latency period than a middle-aged man or woman.

Finally, asbestos in many school settings is not a necessary element. Many acceptable or preferable substitutes are available. Considering the potentially devastating effect to millions of people, the costs of *not* undertaking any asbestos abatement program would seem to be greater.

Treatment of school asbestos hazards

While the presence of asbestos in schools is surely a problem, it is one that can be solved. All the experts who testified before the subcommittee concurred that different degrees and types of asbestos hazards call for different solutions, some more costly, dangerous, and difficult than others.

It should be borne in mind that according to medical and scientific experts, the object of an abatement project should not be to remove all asbestos in all schools. Asbestos in many cases performs important functions within the school structure, and as emphasized before, material which does not or could not readily release fibers does not constitute a hazard. Remembering this fact ought to help assuage panic and contribute to a reasoned, practical approach to the problem.

As Dr. Robert Sawyer of Yale University emphasized, a commonsense approach including visual inspection of the facilities, sampling of suspect materials, and evaluation of the possibility of fibers entering the atmosphere, should take care of the problem in most cases.

The EPA guidance documents suggest that visually inspecting the facilities for friable material, which witnesses agreed possessed the greatest potential for fiber release, should be the first step. Building records may be checked as a supplementary measure, although these may be unreliable. Walk-through inspections should not be limited to areas readily visible but should also include assessments of so-called "hidden" places such as areas above suspended ceilings, machinery rooms and areas behind stairs.

If suspicious material is located, the EPA recommends a sample be analyzed to see whether the material does contain asbestos.

Several witnesses, such as Dr. Rall, suggested that when asbestos material is located, an order of priority to correct the situation should be set up. Materials which are friable, flaking or deteriorated should be given top priority. Second, surfaces which are badly damaged but lend themselves to sealing should be addressed. Lower priority can be given to lesser degrees of damage. Lowest priority should be granted to intact surfaces, although these may need correction in time and should be periodically inspected.

According to Mr. DeKany of EPA, schools can take three types of action to alleviate any asbestos hazards which are discovered. Schools may remove and replace the material, a technique which is most effective but which is generally the most costly and at times impractical. Other surfaces may be amenable to encapsulation—applying a sealant or coating to bond the material. Third, schools can enclose the material by placing a barrier between the substance and the area of public activity. Several witnesses stressed that the most appropriate corrective action depends on the particular situation and may not be readily apparent.

Testimony also brought out several problems that can arise with inspection and abatement programs. Most importantly, both inspection and corrective procedures can be dangerous to those who perform the work, unless proper cautionary methods are exercised. It should also be kept in mind that all sampling techniques have limitations, and none will predict the actual degree of hazard involved in a particular situation; common sense must be the guide.

The committee concludes that acceptable techniques have been developed to correct asbestos hazards. However, as discussed below, local educational agencies do not always have the means or the expertise to embark upon such a program. In addition, all the existing detection and treatment techniques involve limitations and risks.

Need for a Federal program

While procedures exist to control asbestos hazards in the schools, these projects can be quite costly.

Estimates of the costs of removal and replacement presented to the committee range from $2 to $12 per square foot. Encapsulation and enclosure have been estimated at 20 cents to $5 per square foot. All cost figures would vary depending on the locality. It should be noted that in

Massachusetts, where removal and replacement work has already been accomplished in some schools, contractors have asked for twice as much—$10 per square foot—as originally quoted.

In any event, when one considers that an individual school removal or encapsulation project may involve an average of 10,000 square feet, the costs could easily mount for a single school district. Mr. Anthony Smith, Executive Director, Division of School Buildings, New York City Board of Education, testified that it would cost anywhere from $35 to $48 million for New York City to abate its school asbestos hazards. Even a smaller school district, Cinnaminson Township, N.J., received estimates of $2.5 million to $4 million for their asbestos removal project, according to Superintendent Richard B. Holzman.

Detection activities may also involve expense. Certain types of bulk analysis may cost $500 per sample, and within an individual building, samples may be required for many different types of surfaces.

Not all local educational agencies have available the resources to pay for the full costs of these programs, regardless of the seriousness of the hazard. Superintendent Holzman from Cinnaminson Township, N.J. testified that to do the necessary removal work in his district would cost $500 to $1,000 per individual residential taxpayer. Superintendent E. D. Grigsby of Floyd County, Ky., testified that his district already has a deficit and simply cannot raise the funds necessary to pay for correcting a serious asbestos situation. With several school districts having difficulty supporting even a basic educational program in the face of inflation, an unexpected expenditure of this nature would in many areas mean a reduction in edcational services.

In addition, as Dr. August Steinhilber, Assistant Executive Director, National School Boards Association, pointed out, some asbestos abatement projects will involve capital expenditures. If this is the case, the district will probably have to seek a bond issue to raise local money. In recent years, taxpayers have increasingly turned down new obligations of this sort. And in some States and localities, new tax limitation measures may make this route impossible.

The committee feels that given the potential seriousness of asbestos hazards to the health of our nation's school children Federal funds ought to be made available for inspecting and controlling asbestos in the schools. Since very few people were aware of the potential hazards of asbestos in schools until quite recently, there would have been no way for districts to anticipate these expenditures in their school budgets. No district ought to be forced to make the unhappy choice of whether to impair a child educationally by cutting back on programs, or to impair the child's health through continued exposure to asbestos. By the same token, no district should be left in the position of knowing a hazard exists without being able to correct it.

However, the Committee does believe that many districts and private schools do have the capability to support part of the costs of these projects. Therefore, a matching requirement of 50 percent Federal funds, 50 percent State or local, is proposed. But for those poorer school districts and private schools which would not otherwise be able to undertake these projects the Secretary of HEW is given the authority in the legislation to increase the Federal share.

The lack of any asbestos program in many States and the inadequacy of programs in other ones also suggests that Federal assistance is warranted. According to the EPA telephone survey, 25 States have inspected less than one percent of their schools, and only six States have inspected more than 20 percent. And, according to Mr. Leslie Dach of the Environmental Defense Fund, many States which purport to have an active asbestos control program have done no more than initially notify school districts of the problem. According to Dr. Steinhilber of the National School Boards Association,

> The States have been slow to move and tentative in their action in this area. Their reaction has been uneven and in some instances, counterproductive.

State officials testified that they also face budget problems, which make funding of comprehensive removal programs difficult. Both State and local officials reported a reluctance to undertake remedial action without Federal guidance and assistance.

Witnesses also stated the belief that Federal involvement would insure that these projects are carried out safely and effectively. Throughout the testimony, State and local officials despaired about the lack of adequate technical assistance, and quality control standards for undertaking asbestos treatment efforts. Testimony indicated that a systematic approach would be beneficial in several areas.

First, there is still a great need for information alerting local districts to the potential hazards of asbestos and guiding them in how to handle such hazards. As of October 1978, only about 5 percent of the nation's 90,000 schools had been inspected, according to EPA's telephone survey. Federal involvement would insure that each district would not have to start from ground zero, but could benefit for the experiences of others throughout the country. As Mr. Vincent Calabrese, Assistant Commissioner for Finance and Regulatory Services in New Jersey, stated:

> State and local districts need assistance from the Federal government to identify the safest procedures to follow in schools where asbestos has been used . . . This information could be invaluable in those States which have not as yet experienced an asbestos fallout "scare" in their schools. It is too late for New Jersey.

Second, the hazards associated with performing removal, replacement or containment work demand the institution of quality control standards. According to the EPA, poorly performed work can create a greater exposure hazard than it eliminates.

Third, there is need for information to help districts locate qualified laboratories and contractors to perform this work. Without such assistance public concern over the issue could present an opportunity for profiteering by unscrupulous outfits. According to Dr. Sawyer, the number of laboratories and contractors with the expertise to do the work is limited. Although OSHA and EPA have issued regulations covering the removal, encapsulation and enclosure of asbestos materials, the Committee heard of instances where these regulations, were ignored, where school districts spent hundreds of thousands of dol-

lars for work done improperly, and where samples sent to commercial and State laboratories were incorrectly analyzed.

Several witnesses who also noted that a Federal program would effect better coordination of efforts at all levels to control the problem. Because the situation requires input from the education, health and safety and labor communities, such coordination is essential. At the Federal level, the Department of HEW, the Department of Labor, and the Environmental Protection Agency have all been involved in the issue, and the legislation would seek to enhance cooperative efforts among all these groups through creation of an Asbestos Hazards School Safety Task Force.

Finally, the committee feels a new Federal program as proposed in H.R. 3282 is necessary because no authority currently exists at the Federal level for a program of this breadth.

According to a letter to Chairman Perkins from Hale Champion for HEW Secretary Joseph Califano, dated January 5, 1979, "The Department has no general authority to assist school districts in repairing or renovating facilities."

Mr. Steven D. Jellinek, Assistant Administrator for Toxic Substances, Environmental Protection Agency, wrote to Chairman Perkins on February 1, 1979, stating,

> Concerning financial assistance for the removal or treating of asbestos surfaces, there seem to be no existing Federal programs which could provide financial assistance to school districts for this purpose on a national basis.

The EPA has taken an important first step in educating and providing technical assistance to States and local districts concerning the problem through its guidance program. The committee believes these activities are essential and should be continued with expediency. However, this program would not provide any financial assistance to help districts mitigate these hazards. In addition, the legislation would go beyond EPA's initial steps by requiring a State commitment to provide information to local districts and private schools and keep records on their progress; by creating a task force to do more extensive study on asbestos hazards and identification techniques; and by requiring the Secretary of HEW to develop uniform standards and procedures for testing material, evaluating the likelihood of danger, determining which contractors are qualified, and actually carrying out removal, containment, replacement, and restoration work.

For all these reasons, the committee believes that a Federal asbestos hazard control program must be mounted without delay. Otherwise, the costs to our Nation down the road, in the health and safety of millions of school children, may be far greater.

PROVISIONS OF THE BILL

Purpose

The purpose of this legislation is to authorize a systematic Federal program for identifying and controlling hazardous asbestos conditions in elementary and secondary schools. This program will take the form of technical, scientific, and financial assistance to local education agencies, including private schools.

The committee believes such a program is necessary because a body of scientific and medical evidence has been compiled which links exposure to asbestos fibers with cancer and other fatal diseases. Asbestos materials have been used in school buildings and in some instances have been found to have contaminated the school environment with levels of fiber far exceeding normal ambient levels. Since no minimum safe level of exposure has been established, the committee feels that every possible step should be taken to eliminate exposure of school children and employees to this substance in hazardous forms.

The program in the legislation are to be carried out through the provision of grants to local educational agencies and private schools for inspection of facilities for asbestos hazards and through loans for mitigation of the hazards found to exist.

Task force

As a supportive resource for both the Federal administrators and the recipient agencies under these programs, a task force is required to be established by the bill. This task force is to be composed of nine members appointed by the Secretary of HEW, including representatives of Federal agencies involved in education, health, and safety, and of representatives of organizations concerned with health and education. These members are required to have expertise in medical problems or asbestos abatement activities.

The responsibilities of the task force are twofold. First, the task force will aid State and local educational agencies by compiling and distributing medical scientific, and technical information dealing with the hazards of asbestos and means of identifying, sampling and testing such materials. Second, the task force will assist the Federal administrators of the program by reviewing applications for grants and loans, reviewing guidelines established by EPA to determine whether any modifications should be recommended, and providing input to the Secretary of HEW regarding the formulation of safety and quality control standards.

The committee wishes to emphasize that the requirement for representatives of organizations concerned with education and health should not be interpreted narrowly. Such organizations might include, but are certainly not limited to public or private institutions, foundations, associations or businesses. Nothing would preclude, for example, the appointment of a doctor affiliated with a hospital, a contractor with experience in asbestos removal, or a representative of a laboratory that has done extensive sampling work.

The committee also wishes to stress that since the EPA has already done much of the groundwork in compiling and distributing information about asbestos, the task force ought to avoid duplicating these efforts.

State plan

The role of the States in this program will be a limited but crucial one. Any State receiving State administrative funds under a Federal education program administered by a Federal education agency must formulate a State plan for distributing, within nine months of the effective date of this act, information to its local educational agencies

and private schools about the programs established by this bill, the health hazards associated with asbestos, and the standard procedures developed by the Secretary of HEW. The State is also charged with revising such information and distributing this revised material. Finally, the States are required to maintain records on the presence of asbestos in its school buildings and on any detection, containment, removal, replacement, and repair activities conducted by its school districts. The State must designate a particular agency to be responsible for reporting every 6 months to the Federal Government on its progress under the State plan.

The committee bill mandates this State role because it is absolutely essential that local districts and private schools be informed about the seriousness of asbestos hazards and the availability of Federal funds. The committee fears that without such a State role, a hazardous situation could be overlooked.

It is also extremely important that records on asbestos activities be maintained in a systematic fashion. Such records will facilitate a comprehensive assessment of the extent of the problem. Also, such a file is necessary in the event that remodeling or renovation were to be done within a facility in the future. In this way, re-exposure of, for example, a sealed asbestos surface, could be avoided.

The committee does not intend this provision to interfere with existing State asbestos control programs. Rather, States which have a program in place may have already accomplished some of the objectives of the State plan. This is why the language of the bill is flexible as to the means States must use to carry out this information program.

Detection program

The bill authorizes the Secretary of HEW to make grants to local educational agencies and private schools for programs to inspect their facilities for the presence of asbestos. These grants can be used to pay for 50 percent of the costs of these projects. However, if the Secretary determines that an applicant has limited financial resources and would be unable to participate in the program otherwise, the Federal share can be increased up to 100 percent of the costs. If the appropriation for the program is insufficient to make grants to all applicants, the Secretary must establish criteria to determine which applicants have the greatest need and make grants in accordance with such criteria.

In order to receive a grant, a school district or private school must apply directly to HEW. The application must:

Describe the methods it will use to determine whether an asbestos hazard exists;

Estimate the total cost and the costs of each component in the program;

Designate the party who will conduct the testing and describe that party's qualifications; and

Assure that the program will be administered in accordance with health and safety standards established by the Secretary, including those regarding parties employed to conduct the testing.

The committee feels this information is necessary to help the Secretary determine the need for, and the amount of, a grant.

Grants may be awarded retroactively for detection work done back to January 1, 1977. However, in order to qualify for a grant, the application must contain the same information as other applications for grants and must also assure that the detection work was carried out in a manner which substantially conforms to the safety and quality requirements established by the Secretary.

The committee feels this retroactive reimbursement is important to the integrity of the grant program, so as to not penalize those districts and schools which showed leadership by acting quickly in this area. Without such a provision, the committee fears that school districts and schools might be discouraged from dealing with hazardous situations expeditiously.

In making detection grants, the Secretary must review the applications and the task force's recommendations. Funds may be used for:

Administrative costs incurred in the preparation and supervision of the asbestos detection program;

Visual inspections of school buildings;

Sampling of building and insulation materials; and

Tests to determine the level of asbestos content in suspect materials or to detect the likelihood of imminent danger to persons in the building.

Local educational agencies and private schools receiving detection grants must file a report within 120 days of the awarding of the grant describing the activities undertaken, the results of the program, and plans for mitigating any imminent hazards which were detected. The report must also include a detailed accounting of funds used to carry out the program.

Loan program

The legislation makes Federal loans available to local educational agencies and private schools to pay for 50 percent of the activities to control asbestos hazards in schools. These loans can be used to contain or remove any asbestos-containing materials that pose an imminent hazard to the health and safety of school children or employees, to replace materials removed with appropriate substitutes, and to make repairs necessary to restore the school buildings to comparable conditions existing before containment or removal projects were undertaken. Only projects affecting more than 2,500 square feet of surface and in which the material to be contained or removed contains a minimum asbestos level as determined by the Secretary are eligible for grants.

The Federal contribution is in the form of loans because the construction, renovation and maintenance of school facilities are activities which, with very few exceptions, are under the jurisdiction of local governments. The committee feels that since the local community will benefit from the asbestos control projects for years to come, and since the initial construction of the facility was in the hands of the local jurisdiction, it is appropriate to require the local educational agency or private schools to pay back the Federal Government over a period of years. Also, since there is no way of knowing what the ultimate costs of asbestos corrective activities will be nationwide, the committee is hesitant for the Federal Government to obligate itself to a straight grant-in-aid program in a time of budget austerity.

The legislation restricts the availability of loans to projects which involve treatment of asbestos material that presents an imminent hazard to the health and safety of school children and employees because, as expert witnesses pointed out, not all asbestos-containing substances are dangerous. Those materials with minimal risk of releasing fibers into the atmosphere are not candidates for removal or containment. Since the purpose of the legislation is to deal expeditiously with serious asbestos problems, this restriction is entirely in keeping with that intent.

Projects are limited to those over 2,500 square feet of surface because, for the most part, districts and schools ought to be able to support the costs of very small projects without Federal assistance.

The Committee would also like to note that a district or private school need not have received a Federal detection grant in order to be eligible for a loan.

For the loan program, the Secretary is also given the authority to increase the Federal share up to 100% of the costs of the project for districts which have limited fiscal resources and which would otherwise be unable to carry out a project. As with the detection grant program, the Secretary is to establish criteria to determine greatest financial need if the appropriations are insufficient to make loans to all applicants.

Loans under this legislation shall be interest free, have a maturity period of not more than 20 years as determined by the Secretary, and shall be repayable into the general fund of the Treasury at such times and amounts as the Secretary determines. The Secretary is also given the authority to establish other loan terms and conditions to protect the United States' financial interest.

All applications for loans for each time must be submitted within the three-year period of the legislation. The application must describe the nature of the local asbestos problem, the asbestos content of the material to be contained or removed (as determined by testing conducted in accordance with standards established by the Secretary), and the methods to be used to accomplish this work, in accordance with the Secretary's standards. Applicants must also assure:

That any employee engaged in any activity under the loan program must be notified in writing of the hazards of working with asbestos and shall utilize appropriate safety procedures;

That no child or employee will be permitted in the vicinity of the removal or containment work; and

That the applicant will pay employees engaged in the hazard abatement work at reasonable rates of pay, as established by the Secretary of HEW on the basis of the prevailing wage rate for the locality.

Local districts and schools are eligible to receive loans for work carried out back to January 1, 1977, as long as they submit an application meeting the same requirements as other districts and they assure that the work already completed was carried out in substantial conformity with the Secretary's standards.

During the 4 years following enactment of the legislation, the Secretary of HEW is required to report to Congress before February 1st on:

The number of loans made during the preceding year;

The names of all applicants and recipients of loans;

The nature of the asbestos problem of each applicant;
The types of programs for which loans were made;
The estimated total costs of such programs to the recipients and the amount of the loans made, and
The number of applications disapproved and the reasons for their disapproval.

Standards and safety procedures

The legislation vests the Secretary of HEW with responsibility for developing various safety and quality control standards to govern the operation of both the detection and the loan programs.

First, the Secretary of HEW is required to develop procedures for testing the level of asbestos fibers in schools, including safety measures; standards for evaluating the likelihood of leakage of fibers into the school; and standards for determining which contractors are qualified to carry out testing and evaluation programs. These standards are to be established within 120 days after the task force's first meeting and are to be distributed to the State agencies responsible for administering the State plan.

Second, the bill directs the Secretary to establish criteria for determining eligibility for loans, based on the assessment of the extent of the health hazards posed by asbestos, as determined in accordance with the Secretary's standards for the likelihood of leakage.

Third, the Secretary is charged with establishing by regulation procedures that loan recipients must use for containing, removing, replacing and restoring work done to mitigate asbestos hazards. The Secretary must also develop standards for determining which contractors are qualified to carry out these activities.

In carrying out all these duties, the Secretary should consult with the task force and should avoid duplicating similar activities undertaken by the EPA.

Recovery of costs

The U.S. Government shall be permitted to sue on behalf of any loan or grant recipient any person determined by the Attorney General to be liable to the recipient for the costs of activities undertaken under this legislation.

The proceeds from any judgment recovered in a suit brought by the Federal Government shall be used to repay the United States the amount of a grant, the amount outstanding on any loan, and an amount equal to the interest that would have been charged on such a loan by a commercial lender.

The legislation directs the Attorney General to conduct an investigation to determine whether the United States should or could recover expenditures under this bill from any person determined by the Attorney General to be liable. Within a year of the effective date, the Attorney General must submit a report to Congress on the results of this study. If the Attorney General determines that the United States should seek to recover, through existing law, the amounts expended for these programs, he or she shall proceed expeditiously on that route.

Employee protection

The legislation contains language prohibiting local educational agencies or private schools receiving assistance from discharging or

discriminating against any employee because he or she has brought information concerning an asbestos problem to public attention.

Retained rights

Nothing in the legislation is intended to affect the right of any party to seek legal redress in connection with the purchase or installation of asbestos materials in schools or any claim of disability or death related to exposure to asbestos in a school setting.

Definitions

The committee bill defines "asbestos" to include all its mineral forms used in building materials.

The bill defines "imminent hazard to the health and safety" to encompass asbestos material which is friable, easily damaged or susceptible to damage which could result in the dispersal of asbestos fibers into the school environment. According to evidence received by the committee, these forms of asbestos present the greatest hazards. The language of the bill makes special note that damage can include damage from water or air circulation, so that surfaces not accessible to human or mechanical activity will not be overlooked.

The committee would also like to clarify that in the case of pressed asbestos concrete, an imminent health hazard would be present if natural deterioration or vandalism resulted in release of asbestos fibers, and that such situations would be eligible for Federal funding under this bill.

The definitions of "local educational agency", "State educational agency", and "nonprofit elementary or secondary school" conform with their standard definitions in other education laws, except that any school of any agency of the United States is to be considered a nonprofit elementary and secondary school for purposes of this bill. The committee is particularly concerned that schools operated by the Bureau of Indian Affairs and the Department of Defense be eligible to apply for these programs. Private, nonprofit schools are made eligible to participate in the programs under this bill by defining them as "local educational agencies".

"School building" is defined to include classrooms, laboratories, libraries, school eating and food preparation facilities, gymnasiums, other facilities used for instruction, research or administration, and essential maintenance, storage, or utility facilities.

"State" is defined to encompass the 50 States, the District of Columbia, the territories, and the Bureau of Indian Affairs and the Office of Overseas Schools of the Department of Defense.

Authorizations of appropriations

The legislation authorizes a total of $30 million for the 3-year period of fiscal year 1980 through fiscal year 1982, for the asbestos detection grant program.

The legislation also authorizes $100 million per year for the fiscal years 1980, 1981, and 1982, for the asbestos hazards control loan program.

The committee feels that these sums will be adequate to fund a meaningful Federal effort to locate and mitigate asbestos hazards. Although the estimates of the number of schools containing asbestos run as high as 16 percent of the Nation's schools, several points must

be kept in mind. First, not all asbestos material presents an imminent hazard and will warrant corrective action. For example, in Massachusetts, a State which carried out an extensive survey program, 206 out of 1,400 schools surveyed were found to contain spray-on coatings. One hundred thirty-eight of these schools actually contained spray-on asbestos material, of which 27 were found to have problems that necessitated immediate corrective action.

Second, the Federal funds will generally be used to pay for only half the costs. Third, not all school districts or private schools will choose to apply for grants and loans.

The legislation allows that sums appropriated for programs in the bill shall remain available for obligation until September 30, 1983. In addition, programs in the bill shall be considered eligible for the automatic 1-year extension mechanism set forth in the General Education Provisions Act.

The committee feels that this is a reasonable period of time for the programs to be authorized. Once attention is drawn to the problem through the State information programs, the committee sees no reason for local educational agencies or private schools to delay in applying for detection grants. In the same vein, if hazardous material is located, good judgment would dictate that steps be taken with due speed, including applying for a loan, to correct the problem.

The committee also wishes to emphasize that it foresees the Federal role in this area as a short-term one.

If funds appropriated are insufficient to pay the total Federal amounts required to make all the grants and loans authorized, the committee bill directs the Secretary to establish criteria to determine which applicants have the greatest financial need for assistance and to approve applications in accordance with these criteria. The Secretary's authority to make payments is effective only to the extent or in such amounts as are provided in appropriations acts.

Effective date

The legislation shall take effect on the date of enactment or on October 1, 1979, whichever occurs later.

OVERSIGHT

No findings or recommendations concerning oversight of the programs authorized by this bill have been received by the committee from the Committee on Government Operations. As noted before, the Subcommittee on Elementary, Secondary, and Vocational Education held 2 days of oversight hearings on asbestos health hazards in the schools on January 8th and January 16, 1979. The legislation is a result of the subcommittee's hearings and oversight.

COST ESTIMATES

The Congressional Budget Office has provided the following estimates on the costs which will be involved in implementing this legislation. The Committee concurs in these estimates and adopts them in compliance with clause 7 of Rule XIII. No cost estimates have been received from any Federal agencies or departments.

The letter from the Congressional Budget Office follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., May 11, 1979.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has attempted to assess the potential budget impact of H.R. 3282, the Asbestos School Hazard Detection and Control Act of 1979.

This bill authorizes a maximum of $30 million in fiscal year 1980 for the Federal share of Federal/State asbestos detection program, a maximum of $100 million per year in fiscal years 1980, 1981 and 1982 for the Federal share of a Federal/State program for loans to eliminate hazardous conditions from asbestos in school buildings, and an estimated $71,000 over 3½ years for an Asbestos Hazards Task Force.

The outlays for the task force are estimated to be $20,000 per year in fiscal years 1980, 1981, and 1982 and $11,000 in fiscal year 1983, assuming full appropriation of the authorized amounts by October 1979.

Outlays for both the detection program and the loan program cannot be estimated at this time because sufficient data do not exist to estimate how many or how quickly States would apply for detection grants, if available. No data are available measuring the incidence of asbestos in schools. Very few States have established any sort of asbestos detection program to date and it is not known to what extent a Federal matched grant would stimulate States to establish such programs.

Should the committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

INFLATIONARY IMPACT

Since the authorizations in this bill are limited to 3 years, do not exceed $330 million total or increase during the life of the bill, and are mostly in the form of loans which will be paid back to the Federal Treasury, the committee feels the inflationary impact of the legislation will be minimal.

Compared with Congressional Budget Office projections of total Federal budget outlays, authorizations for the programs in this legislation would amount to only 0.020 percent of total Federal outlays in fiscal year 1980, 0.019 percent in fiscal year 1981, and 0.017 percent in fiscal year 1982.

SECTION-BY-SECTION ANALYSIS OF H.R. 3282

Section 1. This section contains the title of the bill.

Section 2. This section contains the findings and purposes of the bill including findings about the presence of substantial amounts of asbestos fibers in the schools which, in a friable or easily damaged form, creates an unwarranted hazard to the health of school children and

the need for a systematic program to identify these hazardous conditions and to remedy them.

Section 3. This section establishes a task force, appointed by the Secretary of HEW, composed of governmental representatives and representatives of outside organizations. The task force must compile scientific and technical information concerning the hazards associated with asbestos and the means of identifying suspected emission of asbestos fibers. The task force must distribute this information to State and local educational agencies and private schools and review their applications for financial assistance under the Act.

Section 4. This section requires State educational agencies to submit to the Federal Government a plan describing the manner in which they will distribute to local educational agencies and private schools information on the programs established under the Act and on the health hazards associated with exposure to asbestos fibers. The States must also keep appropriate records on the presence of asbestos materials in local school buildings and on the activities of local school districts and private schools to detect, contain and remove such materials.

Section 5. This section authorizes the Secretary to make grants to local educational agencies and private schools to pay for 50 percent of the costs of detecting asbestos in their buildings. Larger grants may be made to needy school districts and private schools. Applications from local educational agencies and private schools must contain information on the methods they will use to detect such materials and on the total costs of this detection. Grants may also be made for detection activities conducted before the date of enactment of this legislation if those activities were not completed prior to January 1, 1977, and if they substantially conform to the requirements set by the Secretary for prospective activities. The Secretary may allot up to 20 percent of these detection funds to the task force for their activities.

Section 6. This section establishes an asbestos hazards control loan program through which the Secretary may make loans to local school districts and private schools for 50 percent of the costs of containing and replacing asbestos materials removed from school buildings in those situations where the asbestos materials pose any imminent hazard to health and safety. Loans for a larger amount may be made to needy school districts and private schools. These loans shall not bear any interest and shall be repaid within 20 years. Applications shall contain detailed information on all aspects of the removal activities of the school district or private school including notification to employees engaged in these activities about the hazards of working with asbestos. Loans may be awarded for activities carried out prior to the date of enactment of this legislation as long as these activities were completed after January 1, 1977.

Section 7. This section requires the Secretary to establish procedures for testing the level of asbestos fibers in schools and standards for carrying out testing and evaluation activities.

Section 8. This section requires any recipient of funds to permit the United States to sue on behalf of such recipient any person determined by the Attorney General to be liable for the costs of corrective activities, requires the proceeds of any such judgment to be used to repay the

United States for the costs of these programs, requires the Attorney General to conduct an investigation to determine whether the United States should recover such costs, and requires him to proceed expeditiously if he so finds.

Section 9. This section forbids any local school district or private school from discharging any employee or from discriminating against any employee due to his or her activities in bringing to public attention any asbestos problem in school buildings.

Section 10. This section concerns the retained rights of any party seeking legal redress in these matters.

Section 11. This section contains definitions including one of "imminent hazard to the health and safety".

Section 12. This section authorizes $30 million for three years for the detection program and $100 million a year for 3 years for the loan program. This section also contains the ratable reduction provision in case appropriations are insufficient.

CHANGES IN EXISTING LAW

H.R. 3282 creates a totally new program and therefore makes no changes in existing law.

MINORITY VIEWS

We, the undersigned, agree with the intent of this bill to assist States, local school districts, and nonpublic schools in surveying the extent of exposure to an asbestos hazard and to correct dangerous conditions. However, we have serious reservations about creating an additional Federal spending program with its accompanying layer of bureaucracy and paperwork. We believe there is a more effective way to assist State and local education authorities in the process of detecting and removing any asbestos hazard. The substitute offered by Mr. Goodling is more efficient and realistic than the bill reported out of committee. The Goodling substitute is based on fact that the Environmental Protection Agency is currently involved in an ongoing nationwide information and technical assistance program to assist States and school districts in the process of identifying and controlling exposure problems caused by asbestos-containing materials in school buildings. Our approach is intended to reinforce this effort by allowing State and local education authorities the option of using up to 1 percent of their Federal elementary and secondary education funds for the purposes of detection and/or removal of an asbestos hazard based on the EPA guidelines (although we insure that no more than 5 percent of the Federal funds for any specific education program can be used for these purposes).

Comparison of the two approaches shows the advantages of the Goodling substitute. Where as the substitute would not expand the Federal budget, the committee bill would initially cost $30 million which is not budgeted. In addition, the committee bill provides up to $100 million for each of 3 fiscal years to be used for 25 interest-free loans—a provision which amounts to a potentially enormous cost to the taxpayers. Furthermore, since the Goodling approach affords a means for corrective action without the need for a separate appropriation, it insures that any hazardous conditions in our schools can receive immediate attention. In contrast, the committee bill is merely an authorization requiring a separate appropriation. Given the austere mood of Congress, are we willing to risk delay on this issue if our children are in danger of exposure to hazardous levels of asbestos in the school environment?

From the perspective of administrative efficiency, our plan again proves to be superior. We offer the option of using Federal aid without any significant increase in bureaucracy or State and local paperwork. On the contrary, the bill, as reported, would establish a new bureaucratic task force with the usual requirements for standards, plans, and review procedures. Although this aspect was somewhat improved by amendment in committee, the potential still exists for duplication, overlap, and confusion of authority between the HEW Asbestos Task Force that this bill would establish and the current EPA program.

The advantage of the substitute is that it reinforces and utilizes the ongoing EPA mechanism rather than creating a separate entity to accomplish the same goal.

We intend to offer the Goodling substitute to this bill when it receives consideration on the House floor. Considering the uncertainties regarding actual assistance associated with the bill, as reported, we feel that the reasons for adopting the substitute are persuasive. They are not based upon an unwillingness to provide Federal aid to prevent the exposure of our schoolchildren and personnel to an asbestos hazard, rather, they are considerations based on efficiency, cost, and action. The substitute does not raise expectations of potential Federal assistance but rather allows State and local education authorities to select their priorities while guaranteeing them the availability of aid for the detection and removal of any asbestos hazard.

For all these reasons we are opposed to the committee bill and are prepared to offer our own positive solution.

JOHN M. ASHBROOK.
JOHN N. ERLENBORN.
JAMES M. JEFFORDS.
BILL GOODLING.
TOM COLEMAN.
KEN KRAMER.
ARLEN ERDAHL.
THOMAS J. TAUKE.
DANIEL B. CRANE.
THOMAS PETRIE.

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